

ESTTA Tracking number: **ESTTA411879**Filing date: **05/31/2011**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Notice of Opposition**

Notice is hereby given that the following party opposes registration of the indicated application.

**Opposer Information**

Name	Belron Hungary Kft - Zug Branch
Granted to Date of previous extension	05/28/2011
Address	Gotthardstrasse 20 CH-6304 Zug, SWITZERLAND
Attorney information	Thomas A. Walsh Ice Miller LLP One American Square, Suite 3100 Indianapolis, IN 46282 UNITED STATES ipdocket@icemiller.com Phone:317-236-2100

**Applicant Information**

Application No	85172598	Publication date	03/29/2011
Opposition Filing Date	05/31/2011	Opposition Period Ends	05/28/2011
Applicant	Green, Jace PO Box 611 Snowflake, AZ 85937 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 037. First Use: 2010/10/28 First Use In Commerce: 2010/10/28  
All goods and services in the class are opposed, namely: Auto Glass Repair, Replacement and Installation Services


**Grounds for Opposition**


Priority and likelihood of confusion	Trademark Act section 2(d)
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**Marks Cited by Opposer as Basis for Opposition**


U.S. Registration No.	1735280	Application Date	11/25/1991
Registration Date	11/24/1992	Foreign Priority Date	NONE
Word Mark	AUTO GLASS SPECIALISTS		
Design Mark			
Description of	NONE		

Mark	
Goods/Services	Class 037. First use: First Use: 1961/03/06 First Use In Commerce: 1965/03/05 installation, replacement and repair of glass for motor vehicles; customizing motor vehicles to the order and specification of others; namely, installation or application of pinstriping, graphics, edgings, moldings, sunroofs, and luggage racks

U.S. Registration No.	1714162	Application Date	09/25/1990
Registration Date	09/08/1992	Foreign Priority Date	NONE
Word Mark	AUTO GLASS SPECIALISTS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 037. First use: First Use: 1990/07/18 First Use In Commerce: 1990/07/18 installation, replacement and repair of glass for motor vehicles; customizing motor vehicles to the order and specification of others; namely, installation or application of pinstriping, graphics, edgings, moldings, sunroofs, and luggage racks		

U.S. Registration No.	1764890	Application Date	09/25/1990
Registration Date	04/13/1993	Foreign Priority Date	NONE
Word Mark	AUTO GLASS SPECIALISTS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 037. First use: First Use: 1990/07/05 First Use In Commerce: 1990/07/20 installation, replacement and repair of glass for motor vehicles; customizing motor vehicles to the order and specification of others; namely, installation or application of pinstriping, graphics, edgings, moldings, sunroofs, and luggage racks		

U.S. Registration No.	1280941	Application Date	09/30/1982
Registration Date	06/05/1984	Foreign Priority	NONE

		Date	
Word Mark	AUTO GLASS SPECIALISTS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 037. First use: First Use: 1980/09/00 First Use In Commerce: 1980/09/00 Providing Installation of Glass for Automobiles Through Service Centers and Mobile Service Calls		

Attachments	74100393#TMSN.gif ( 1 page )( bytes ) 74100391#TMSN.gif ( 1 page )( bytes ) 73396479#TMSN.gif ( 1 page )( bytes ) BHKZNoticeofOpposition.pdf ( 5 pages )(142233 bytes )
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## Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/thomasawalsh/
Name	Thomas A. Walsh
Date	05/31/2011

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Trademark App. Ser. No. 85/172,598  
Filed on November 9, 2010  
For the Mark AUTO GLASS LEADER  
Published in the *Official Gazette* on March 29, 2011

Belron Hungary Kft-Zug Branch,	)	
	)	
Opposer,	)	
	)	
v.	)	Opposition No.: _____
	)	
Jace Green,	)	
	)	
Applicant.	)	

**NOTICE OF OPPOSITION**

Belron Hungary Kft-Zug Branch ("Opposer") hereby opposes the above-referenced application to register the AUTO GLASS LEADER mark filed by Jace Green ("Applicant"). The grounds for opposition are as follows:

**THE PARTIES**

1. Opposer is the registered Swiss branch of a Hungarian Company and has a place of business at Gotthardstrasse 20, CH-6304 Zug, Switzerland.
2. Applicant is an individual with a mailing address at P.O. Box 611, Snowflake, Arizona 85937.

**OPPOSER'S AUTO GLASS SPECIALISTS FAMILY OF MARKS**

3. Opposer is the owner of several federal trademark registrations for AUTO GLASS SPECIALISTS, including the literal word and the wording with designs (collectively, the "AUTO GLASS SPECIALISTS Family of Marks"). The federal trademark registrations include, but are not limited to, Federal Trademark Registration Nos. 1,735,280, 1,714,162,

1,764,890, and 1,280,941. True and accurate copies of Opposer's registration certificates are attached hereto as collective Exhibit A.<sup>1</sup>

4. The AUTO GLASS SPECIALISTS Family of Marks are in use, are valid, and are in full force and effect.

5. Opposer uses the AUTO GLASS SPECIALISTS Family of Marks in the United States to promote its services of installation, replacement and repair of glass for motor vehicles, among other things.

6. Opposer (in combination with assignors of the trademarks) has been using the AUTO GLASS SPECIALISTS Family of Marks to identify the source of their services in commerce for decades. During that time, Opposer (and assignors) established substantial goodwill in the AUTO GLASS SPECIALISTS Family of Marks.

7. Opposer (and assignors) invested a considerable amount of time and money in the AUTO GLASS SPECIALISTS Family of Marks.

8. As a result of Opposer's continuous use of the AUTO GLASS SPECIALISTS Family of Marks, they have become, and continue to be, valuable property rights of Opposer.

#### **AUTO GLASS LEADER APPLICATION**

9. Trademark App. Ser. No. 85/172,598 (the "'598 Application") is for the AUTO GLASS LEADER mark. Further, the '598 Application was filed by Applicant on November 9, 2010 and published for opposition on March 29, 2011.

10. Because Opposer filed a timely Request for Extension of Time to Oppose, Opposer's deadline to initiate an opposition was extended until May 31, 2011 (the deadline in the

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<sup>1</sup> Federal Trademark Registration Nos. 1,735,280, 1,714,162, 1,764,890, and 1,280,941 were originally filed in the name of Auto Glass Specialists, Inc. The trademarks were assigned several different times to various entities after the original filing. On April 10, 2011, the assignment of the trademarks to Opposer was submitted for recordation in the United States Patent and Trademark Office, and was subsequently recorded at Reel 4518, Frame 0646.

Board's Order was technically May 28, 2011, but since that date fell on a Saturday and Monday, May 30, 2011, was a federal holiday, Opposer had until May 31, 2011 to file a Notice of Opposition).

11. The '598 Application is a use-based application and covers "auto glass repair replacement and installation services" in Class 37. Applicant indicates that it began using the mark in connection with such services on October 28, 2010.

#### **GROUND FOR AND REJECTING APPLICANT'S TRADEMARK APPLICATION**

12. Applicant's use and registration of the AUTO GLASS LEADER mark is likely to result in confusion and substantial damage and injury to Opposer. Motor vehicle owners are likely to believe that there is an affiliation between Applicant's auto glass services and Opposer; or that Opposer and its Affiliates have endorsed Applicant or its auto glass services. Any such confusion would inevitably damage the goodwill and reputation that Opposer has established in the AUTO GLASS SPECIALISTS Family of Marks.

13. Applicant's use and registration of the AUTO GLASS LEADER mark is also likely to dilute and weaken the unique and distinctive significance of the AUTO GLASS SPECIALISTS Family of Marks and cause dilution of the distinctive quality of Opposer's AUTO GLASS SPECIALISTS Family of Marks.

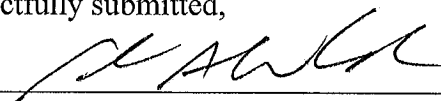
WHEREFORE, Opposer prays that the '598 Application be rejected.

(Signature page follows)

Dated this 31st day of May, 2011.

Respectfully submitted,

By: \_\_\_\_\_



Thomas Walsh

ICE MILLER LLP

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Suite 2900

Indianapolis, Indiana 46282-0200

(317) 236-5946

*Attorney for Belron Hungary Kft-Zug  
Branch*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the foregoing was served upon the following by first-class United States mail, postage prepaid, on May 31, 2011:

Jace Green  
P.O. Box 611  
Snowflake, Arizona 85937

By: \_\_\_\_\_



Thomas Walsh